

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION

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I/P ENGINE, INC.,)	
	Plaintiff,)	
	v.)	Civ. Action No. 2:11-cv-512
)	
AOL, INC. et al.,)	
	Defendants.)	
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NOTICE OF MOTION TO SEAL I/P ENGINE, INC.’S SUPPLEMENTAL MEMORANDUM SETTING FORTH ADDITIONAL NEW FACTS JUSTIFYING ITS REQUEST FOR DEFAULT JUDGMENT IN I/P ENGINE’S MOTION FOR DEFENDANTS TO SHOW CAUSE UNDER RULE 37 FOR NONCOMPLIANCE WITH THE AUGUST 13, 2013 ORDER ALONG WITH EXHIBITS A AND C AND THE DECLARATION OF CHARLES J. MONTERIO, JR. IN SUPPORT OF I/P ENGINE’S SUPPLEMENTAL MEMORANDUM OF ADDITIONAL FACTS

PLEASE TAKE NOTICE THAT Plaintiff I/P Engine, Inc. (“I/P Engine”), pursuant to Rule 5 of the Local Rules of Practice for the U.S. District Court for the Eastern District of Virginia, have moved the court for leave to file under seal its Supplemental Memorandum Setting Forth Additional New Facts Justifying Its Request For Default Judgment In I/P Engine’s Motion For Defendants To Show Cause Under Rule 37 For Noncompliance with the August 13, 2013 Order Along with Exhibits A and C and the Declaration of Charles J. Monterio, Jr. in Support of I/P Engine’s Supplemental Memorandum of Additional Facts. Grounds and authorities for this Motion are set forth in I/P Engine’s Memorandum in Support of Motion to Seal. The afore-mentioned contains information marked as confidential by Defendants and, under the Protective Order (D.I. No. 85), should be filed under seal. The information contained

in this Supplemental Memorandum Setting Forth Additional New Facts Justifying Its Request For Default Judgment In I/P Engine's Motion For Defendants To Show Cause Under Rule 37 For Noncompliance with the August 13, 2013 Order Along with Exhibits A and C and the Declaration of Charles J. Monterio, Jr. in Support of I/P Engine's Supplemental Memorandum of Additional Facts contains Google's proprietary and confidential information.

Before this Court may seal Court documents, it must (1) provide public notice with an opportunity to object; (2) consider less drastic alternatives; and (3) state specific findings in support of a decision to seal and reject alternatives to sealing. *See, e.g., Flexible Benefits Council v. Feldman*, No. 1:08-CV-371, 2008 U.S. Dist. LEXIS 93039 (E.D. Va. Nov 13, 2008) (citing *Ashcroft v. Conoco, Inc.*, 218 F.3d 282, 288 (4th Cir. 2000)).

In compliance with Local Rule 5 of the Rules of this Court, the Court posts the following notice to the public: "This serves as public notice that I/P Engine has moved to file under seal its Supplemental Memorandum Setting Forth Additional New Facts Justifying Its Request For Default Judgment In I/P Engine's Motion For Defendants To Show Cause Under Rule 37 For Noncompliance with the August 13, 2013 Order Along with Exhibits A and C and the Declaration of Charles J. Monterio, Jr. in Support of I/P Engine's Supplemental Memorandum of Additional Facts. Objections to this Motion should be filed in the Civil Section of the Clerk's Office. The Notice Of Motion To Seal I/P Engine, Inc.'s Supplemental Memorandum Setting Forth Additional New Facts Justifying Its Request For Default Judgment In I/P Engine's Motion For Defendants To Show Cause Under Rule 37 For Noncompliance with the August 13, 2013 Order Along with Exhibits A and C and the Declaration of Charles J. Monterio, Jr. in Support of I/P Engine's Supplemental Memorandum of Additional Facts will be posted for a minimum of forty-eight (48) hours."

Dated: October 7, 2013

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CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of October, 2013, the foregoing was served

via the Court's CM/ECF system, on the following:

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/s/ Jeffrey K. Sherwood
